

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 11 CR 699-1
)
YIHAO PU, also known as Ben Pu,) Chicago, Illinois
) May 20, 2016
Defendant.) 10:30 A.M.

TRANSCRIPT OF PROCEEDINGS - Status
BEFORE THE HONORABLE CHARLES R. NORGLER, SR.

APPEARANCES:

For the Government: HON. ZACHARY FARDON
219 South Dearborn Street
Chicago, Illinois 60604
BY: MR. PATRICK MARK OTLEWSKI

For the Defendant: FLACHSBART & GREENSPOON, LLC
333 North Michigan Avenue
27th Floor
Chicago, Illinois 60601
BY: MR. WILLIAM W. FLACHSBART

PAMELA S. WARREN, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 2342
Chicago, Illinois 60604
(312) 408-5100

1 (Proceedings had in open court.)

2 THE CLERK: 11 CR 699, USA versus Yihao Pu.

3 MR. OTLEWSKI: Good morning, your Honor. Patrick
4 Otlewski on behalf of the United States.

5 THE COURT: Good morning.

6 MR. FLACHSBART: Good morning, your Honor. William
7 Flachsbart on behalf of Ben Pu.

8 THE COURT: Good morning.

9 How does the matter come before the Court this
10 morning?

11 MR. OTLEWSKI: Your Honor, when we were in court on
12 Monday, the Court recommended to the parties that they meet and
13 confer regarding restitution. The parties have met. We have
14 conferred, and I believe we are in a position to set the amount
15 of restitution. It is an agreed upon number in the amount of
16 \$759,649.55.

17 THE COURT: Is that the agreed restitution figure?

18 MR. FLACHSBART: That's correct, your Honor.

19 THE COURT: All right. The Court has reviewed the
20 earlier submissions. That is -- is that even near the figure
21 submitted in those earlier submissions?

22 MR. FLACHSBART: That is the exact number, your Honor.

23 THE COURT: All right. This is by agreement.

24 And has Mr. Pu agreed to this as well?

25 MR. FLACHSBART: Yes.

1 THE COURT: Can you represent that you discussed this
2 with your client?

3 MR. FLACHSBART: I spoke to him on the telephone two
4 days ago.

5 THE COURT: All right. The Court accepts the agreed
6 restitution figure, 759,649.55. It is so ordered.

7 MR. OTLEWSKI: Your Honor, if the Court could then
8 include as part of the Judgment and Commitment Order that this
9 defendant be jointly and severally liable for that amount with
10 his co-defendant. That co-defendant's restitution amount is
11 jointly and severally liable with this one.

12 THE COURT: Now with respect to interest, what is the
13 government's position?

14 MR. OTLEWSKI: Your Honor --

15 THE COURT: Interest on the restitution figure.

16 MR. OTLEWSKI: Your Honor, I'd have to look. I think
17 this matter was addressed in our plea agreement in how to
18 calculate interest. I don't believe that interest is covered
19 under the -- under Section 35.

20 MR. FLACHSBART: I don't think there is there --

21 (Discussion off the record.)

22 MR. OTLEWSKI: I think that's correct.

23 THE COURT: If the defendant has the ability to pay
24 interest, then interest should be a part of the restitution
25 judgment.

1 MR. FLACHSBART: The defendant does not.

2 MR. OTLEWSKI: Your Honor, we would simply ask that
3 the Court impose the amount of restitution that the
4 co-defendant has. The co-defendant does not have an order to
5 pay interest on the amount of restitution.

6 THE COURT: All right.

7 MR. OTLEWSKI: So just for consistency's sake, we'd
8 ask that the same restitution order apply to --

9 THE COURT: And also to eliminate any disparity on the
10 restitution figure.

11 MR. OTLEWSKI: That's correct.

12 THE COURT: So the Court did not require the
13 co-defendant to pay interest on the restitution.

14 MR. OTLEWSKI: The Court did not.

15 THE COURT: It is so ordered in this case as well.

16 MR. OTLEWSKI: Thank you.

17 THE COURT: 759,649.55 without interest.

18 THE CLERK: I'm checking the box that says interest is
19 waived.

20 THE COURT: Interest is waived. It is so ordered.

21 MR. OTLEWSKI: Thank you, your Honor.

22 THE COURT: Thank you, counsel.

23 MR. FLACHSBART: And just for clarity, your Honor, it
24 is going to be joint and several with Sahil Uppal?

25 THE COURT: Yes.

1 MR. FLACHSBART: Great. Thank you, your Honor.

2 THE COURT: Okay.

3 MR. FLACHSBART: And could we have the Judgment and
4 Commitment Order entered?

5 THE COURT: Mr. Fulbright will prepare it during the
6 course of the day, and I expect to sign it.

7 MR. FLACHSBART: Great.

8 MR. OTLEWSKI: Thank you, your Honor.

9 (Which concluded the proceedings:)

10 CERTIFICATE

11 I HEREBY CERTIFY that the foregoing is a true, correct
12 and complete transcript of the proceedings had at the hearing
13 of the aforementioned cause on the day and date hereof.

14

15 /s/ **Pamela S. Warren**
16 Official Court Reporter
17 United States District Court
Northern District of Illinois
Eastern Division

November 29, 2016
Date

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